

**APPEAL, CLOSED**

**U.S. Bankruptcy Court  
Western District of Texas (San Antonio)  
Adversary Proceeding #: 17-05027-cag**

*Assigned to:* Judge Craig A. Gargotta

*Date Filed:* 03/23/17

*Lead BK Case:* 16-50552

*Date Terminated:* 09/11/18

*Lead BK Title:* Palmaz Scientific Inc. and ABPS Venture One,  
Ltd.

*Lead BK Chapter:* 11

*Demand:*

*Nature[s] of Suit:* 91 Declaratory  
judgment

***Plaintiff***

**Milo H Segner**

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V.

***Defendant***

**Admiral Insurance Co.**

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***Defendant***

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***Defendant***

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**Allied World Assurance Company**  
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***Defendant***

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***Defendant***

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*TERMINATED: 02/27/2018*

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***Defendant***

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*Intervenor*

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Filing Date	#	Docket Text
09/19/2018	<u>221</u>	Notice of Withdrawal of Document filed by Michael A Balascio for Defendants Admiral Insurance Co., Allied World Assurance Company, Federal Insurance Company, Hiscox Insurance Company (Attachments: # <u>1</u> Proposed Order) (Balascio, Michael) (related document(s): <u>200</u> Joint Motion for Leave to Appeal Filed by Wade Caven Crosnoe, L. Kimberly Steele, Michael A Balascio for Defendants Allied World Assurance Company, Federal Insurance Company, Hiscox Insurance Company. (Attachments: # 1 Exhibit June 4, 2018 Memo, Opinion and Order # 2 Exhibit Proposed Order) (Balascio, Michael) (related document(s): <u>195</u> Judge's Memorandum/Opinion And Order Denying Defendant Admiral's Motion To Dismiss And Memorandum Of Law In Support (ECF No.3) (related document(s): <u>3</u> Motion to Dismiss Case filed by Thomas M Spitaletto for Defendant Admiral Insurance Co. (Attachments: # 1 Proposed Order)) (Order entered on 6/4/2018)), <u>204</u> JOINDER of Motion for Leave to Appeal Filed by Thomas M Spitaletto for Defendant Admiral Insurance Co.. (Attachments: # 1 Proposed Order) (Spitaletto, Thomas) (related document(s): <u>195</u> Judge's Memorandum/Opinion And Order Denying Defendant Admiral's Motion To Dismiss And Memorandum Of Law In Support (ECF No.3) (related document(s): <u>3</u> Motion to Dismiss Case filed by Thomas M Spitaletto for Defendant Admiral Insurance Co. (Attachments: # 1 Proposed Order)) (Order entered on 6/4/2018)) Modified on 6/20/2018.)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**INSURERS' WITHDRAWAL OF MOTION FOR LEAVE TO APPEAL  
JUNE 4, 2018 MEMORANDUM, OPINION AND ORDER DENYING MOTION TO DISMISS**

Defendants Allied World Assurance Company (U.S.) Inc., Federal Insurance Company, Hiscox Insurance Company, and Admiral Insurance Company (the “Insurers”), through undersigned counsel, respectfully request that they be permitted to withdraw the Motion for Leave to Appeal June 4, 2018 Memorandum, Opinion and Order Denying Motion to Dismiss (Doc. No. 200), which was filed on June 15, 2018 and joined by Admiral Insurance Company on June 18, 2018 (Doc. No. 204). The Insurers represent that the parties in the underlying matter have amicably resolved their dispute.

Accordingly, Defendants Allied World Assurance Company (U.S.) Inc., Federal Insurance Company, Hiscox Insurance Company, and Admiral Insurance Company request that their Motion

for Leave to Appeal pending before the United States District Court, Western District of Texas, be withdrawn and not considered.

Respectfully submitted,

/s/ Michael A. Balascio

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*Counsel for Hiscox Insurance Company, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 19th day of September, 2018 he caused a true and correct copy of the foregoing pleading to be served via electronic mail on all parties who have requested notice via the Court's CM/ECF Electronic Notification System and via e-mail to any counsel listed below who does not receive notice through the CM/ECF System:

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/s/ Michael A. Balascio

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

MILO H. SEGNER, JR., as  
Liquidating Trustee of the Palmaz  
Scientific Litigation Trust,  
Plaintiff.

V.

ADMIRAL INSURANCE CO., et al.,  
Defendants.

In re:  
PALMAZ SCIENTIFIC INC.,  
Debtor.

Adv. Proc. No.17-05027-cag

Case No. 16-50552  
Chapter 11

**ORDER GRANTING INSURERS' WITHDRAWAL OF MOTION  
FOR LEAVE TO APPEAL JUNE 4, 2018 MEMORANDUM,  
OPINION AND ORDER DENYING MOTION TO DISMISS**

The Court has considered the motion by Defendants Allied World Assurance Company (U.S.) Inc., Federal Insurance Company, Hiscox Insurance Company and Admiral Insurance Company for Withdrawal of Motion for Leave to Appeal June 4, 2018 Memorandum,

Opinion and Order Denying Motion to Dismiss, and finds that the withdrawal should be **GRANTED**.

**IT IS THEREFORE ORDERED** that defendants Allied World Assurance Company (U.S.) Inc., Federal Insurance Company, Hiscox Insurance Company, and Admiral Insurance Company be allowed to withdraw their motion for leave to appeal the Court's June 4, 2018 Memorandum, Opinion and Order denying the Motion to Dismiss.

###

Order submitted by:

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